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Attorneys for Defendant
MATSON NAVIGATION COMPANY

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DANIEL MAXIE,

Plaintiff,

vs.

HORIZON LINES, LLC and MATSON
NAVIGATION COMPANY

Defendants.

Case No. C 04-02255 MMC

**STIPULATION AND ~~PROPOSED~~
ORDER CONTINUING PRE-TRIAL
DATES**

For the reasons set forth below, the parties to the above-entitled action stipulate, agree and request the court continue the dates currently set for expert designation, expert discovery and the date to complete private mediation.

The parties had previously agreed to defer the continued deposition of plaintiff until his condition was permanent and stationary. Mr. Maxie is still undergoing medical tests and consultations. Defendants are currently awaiting results and reports from recent tests. Defendants have scheduled an independent medical examination and further deposition of plaintiff Daniel Maxie with the understanding that the test results and report are going to be available. Defendants have also re-noticed plaintiff's further deposition for October after the IME.

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1 The parties also wish to participate in meaningful settlement discussions. The current
 2 mediation cut-off is November 1, 2006. The parties have agreed to a private mediator, Jerry
 3 Spolter, and had previously scheduled a mediation for October 10, 2006. Given the anticipated
 4 IME of plaintiff and plaintiff's further deposition, the parties cannot meaningfully participate in
 5 settlement discussions before the current cut-off date. Defendants will not be able to review the
 6 IME report and depose plaintiff in time to mediate on October 10, 2006, and so the parties agreed
 7 to a continue the mediation until December 6, 2006.

8 Because of the expense involved in mediation and also in the retention and designation of
 9 experts, the parties seek to continue expert disclosure and expert discovery until after the
 10 mediation has been conducted.

11 Accordingly, the parties stipulate and respectfully request that the following pretrial dates
 12 be continued as follows:

13	Expert disclosure & reports (Present Date: November 1, 2006)	December 22, 2006
14	Expert Discovery cut-off (Present date: December 15, 2006)	January 15, 2007
15	Private mediation completion (Present date: November 1, 2006)	December 8, 2006

16 The parties do not seek continuance of any of the other dates set forth on the Third
 17 Amended Pretrial Preparation Order entered on March 16, 2006.

18 Respectfully Submitted,

19 Dated: September 22, 2006

20 BANNING MICKLOW & BULL LLP

21 By: S/ EDWARD M. BULL III

22 Edward M. Bull III
 23 Attorneys for Plaintiff
 24 DANIEL MAXIE

25 Dated: September 22, 2006

26 LAW OFFICES OF HARVEY I. WITTENBERG

27 By: S/ HARVEY I. WITTENBERG

28 Harvey I. Wittenberg
 Attorneys for Defendant
 HORIZON LINES, LLC

1 Dated: September 22, 2006

FLYNN DELICH & WISE

2 By: S/ JAMES B. NEBEL

James B. Nebel

3 Attorneys for Defendant

4 U.S. SHIP MANAGEMENT, INC.

5 Dated: September 22, 2006

GIBSON ROBB & LINDH LLP

6 By: S/ JENNIFER T. SANCHEZ

7 Jennifer Tomlin Sanchez

8 Attorneys for Defendant

MATSON NAVIGATION COMPANY

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10 PURSUANT TO STIPULATION, IT IS SO ORDERED.
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13 DATED: September 25, 2006



14 UNITED STATES DISTRICT JUDGE
15 MAXINE M. CHESNEY
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